

# Staff Supplemental Summary Report

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City Council Meeting Date: 11/13/03

Agenda Item Number: 23

**SUBJECT:** This is the second public hearing for the City of Tempe General Plan 2030, requesting public input on the goals and objectives of the elements of this plan; also requesting Council approval of recommended amendments #1-4, and approval to set a formal vote on the adoption of the amended final draft General Plan 2030, at the December 4, 2003 City Council Meeting.

**SUPPORTING DOCS:** Yes

**DOCUMENT NAME:** 20031113dsk05a

**GENERAL PLAN (0401-03)**

**COMMENTS:** This is the second public hearing for **CITY OF TEMPE GENERAL PLAN 2030. #GEP-2003.79.**

**PREPARED BY:** Diana Kaminski, Senior Planner (480-858-2391)

**REVIEWED BY:** Steve Venker, Planning & Zoning Manager (480-350-8920)

**LEGAL REVIEW BY:** Cliff Mattice, Assistant City Attorney

**FISCAL NOTE:** N/A

**RECOMMENDATION:** Staff recommends approval of General Plan 2030 with the following amendments:

1. Staff supports all of the 42 Planning & Zoning Commission recommendations except #7.
2. Staff supports the Commission on Disability Concern's recommended changes to the Accessibility Element.
3. Staff supports the Neighborhood Advisory Commission's recommended changes to the Land Use and Neighborhood Elements, without reference to a specific section of the zoning ordinance. Staff does not support the proposed change to the definition of a major amendment, and recommends alternative language.
4. Staff supports the recommended changes to Victory Acres.

**ADDITIONAL INFO:** This hearing may be the last hearing of the General Plan, unless Council decides that it is necessary to hold a third hearing on December 4 or fourth hearing on December 18. In order to meet the deadline for the May general election, the General Plan would need to be adopted by December 25. Continuance past this date may require a special election, which would require additional funding.

Staff would like to acknowledge the work of the General Plan 2030 Advisory Team, in the development of a community vision and plan reflective of the diverse interests of the community.

With regard to the letter from Bill Butler, changes were proposed through the Planning & Zoning Commission recommendations to address some of his issues. Staff recommends additional changes based on his input. However, the concern about the zoning ordinance and the process of developing a specific plan will need to be resolved during the public process for the zoning ordinance, and whatever process the Neighborhood Advisory Commission uses to develop the planning policy document.

Below is a discussion of outstanding issues. Staff recommendations are shown in bold.

1) With regard to the letter from Trevor Barger, staff has reviewed his first request:

*'The potential conflict for residential areas shown as Mixed Use on the GP 2030 Projected Land Use Map that are also within the Cultural Resource Area on the GP 2030 Projected Residential Density Map.'*

If residential properties are shown on the projected land use map as mixed-use, the assumption is that Tempe would generally support changing the land use to mixed-use, to implement the general plan. The mixed-use zoning categories have densities starting at 10 du/ac. Properties shown within the Cultural Resource Area are designated a density that matches their zoning, in other words single family R1-6 would have a allowed density of 4 dwelling units per acre, which is less than the lowest mixed-use zoning density. This would mean that in order to apply for a mixed-use zoning amendment, a property owner would also need to apply for a general plan amendment to the density map, which takes additional time and money. The issue affects the nine parcels facing Mitchell School, and no other parcels within Tempe. The options to address this issue are:

- a) Do nothing, leave the maps as shown – this would support the Historic Preservation Commission intent to protect the character of these areas by requiring that any proposed rezoning to implement the land use map would also need an amendment to the general plan.
- b) Change the Land Use Map to remove these nine parcels from the mixed use category, and show them as residential land uses – this would further support the Historic Preservation Commission intent to protect the character of the area, however, it would not comply with the North Tempe Strategic Area Plan, which shows this area as mixed-use and is generally accepted by the community.
- c) Change the Projected Residential Density Map to remove these nine parcels from the Cultural Resource Area designation, and show them as “up to 15 du/ac” as was originally shown in the first draft of the plan – this would remove the potential conflict between the land use and density map.
- d) Change the definition of Cultural Resource Area to state: “Areas identified on the density map, which are considered culturally significant to the character of Tempe, based on the 2001 Post World War II Subdivision Study. It is desirable to maintain the character of these areas. The underlying zoning should remain the highest appropriate density for these areas, *except in cases where single family zoned properties are identified as mixed-use on the land use map; the density should be determined by the character of the project.*” – this would support the Historic Preservation Commission intent to protect the character of these areas, and would require a case by case determination of appropriateness, which may result in requiring general plan amendments, or legal review of decisions.

**1) Staff recommends option c to address Mr. Barger's concerns.**

2) With regard to the letter from Trevor Barger, staff has reviewed his second request:

*'The method of calculating density for single-family residential areas that have already been developed within the Cultural Resource Area on the GP2030 Projected Residential Density Map.'*

The intent of the Cultural Resource Area (CRA) is to maintain the character of these older

neighborhoods, as they were platted, with the existing parks, alleys, streets, and zoning. Any demolition of a house on an individual parcel can be replaced with a similar product. The defined calculation for zoning density is a planning standard, and is not unique to the CRA designation. Any proposed change to the zoning of this area, would require additional consideration for density, and may require an amendment to the plan, if the proposal does not fit within the parameters of the Cultural Resource Designation. Changing the density calculation from what is currently allowed by zoning has the potential to incrementally increase the density of these areas, which is against the intent of this density designation. If an area is shown on the land use map as residential, and has a density designation, any request for rezoning that would change from residential land use, or from the designated density would require a general plan amendment, as any deviation from the general plan requires. The specific conflict with Mr. Barger's residence would be addressed by acting on recommendation 1. c described above, which would remove his single family residence from the Cultural Resource Area, and enable a mixed-use rezoning without a general plan amendment.

**2) Staff does not recommend changing the definition for Cultural Resource Area, or changing the calculation used for this density designation.**

**3) Staff supports all of the Planning & Zoning recommendations** (see attached list) **with the exception of #7**, which recommends deletion of the strategy to consider cell towers in public parks as a potential source of revenue. The Commission recommendation came from a citizen request; however, this strategy is a part of the approved Parks & Recreation Masterplan, which was the foundation for the recreation element. Removal of the strategy does not change the availability of this funding option, but it makes it less apparent. **Staff recommends keeping the strategy allowing the possibility of cell towers in parks for a possible revenue source in the Recreation element.**

**4) Staff supports the Commission on Disability Concern's recommended changes to the Accessibility Element.** (see attached letter)

5) The Neighborhood Advisory Commission (NAC) has recommended changes to the Land Use and Neighborhood elements. The NAC language has not been reviewed by either the Advisory Team or the Planning & Zoning Commission but significantly improves the defined planning processes and relationships between the elements. The suggested change to the authority of the Specific Plan is different than previous planning policies, but is in alignment with state legislation. Pages 2 and 5 of the NAC recommendation refer specifically to the zoning ordinance section number (6-303): staff recommends not including the specific reference, as the zoning ordinance text is subject to change, and may be located in a different area of the final document. **Staff supports the Neighborhood Advisory Commission's (NAC) recommended changes to the Land Use and Neighborhood Elements, without reference to the specific section of the Zoning Ordinance.**

6) The Neighborhood Advisory Commission is also recommending deletion of Specific Plan from the list of major amendment criteria. This criterion was strongly supported by the Advisory Team. With regard to this request, several options are available:

- a) Do nothing, and leave the definition of major amendment as it has appeared through the public process, this would result in any specific plan requiring a supermajority vote of Council at one annual hearing for all major amendments.
- b) Delete the criteria as suggested by the Neighborhood Advisory Team, this was not reviewed by either the Advisory Team or the Planning & Zoning Commission.
- c) Change the criteria so that any specific plan over 100 acres be considered a major amendment, this would provide a threshold, but may arbitrarily make it more difficult to

adopt some plans over others.

d) Change the criteria to reflect other major amendment criteria, by stipulating that any specific plan that decreases 1 percent of any land use category within the specified area be considered a major amendment.

6) **Staff does not recommend deletion of this criterion, but would support option d.**

7) **Staff supports the recommended changes to Victory Acres as outlined in the Planning and Zoning Commission recommendations (see attached).**

The following are additional staff recommendations:

8) Page 172 Transportation Chapter - **Staff recommends adding the three strategies requested by the Transportation Commission but modifying the language to match the format of the other General Plan Elements:**

- a) **Discourage the use of single occupant vehicles (SOV's)**
- b) **Encourage the use of alternate modes of transportation and provide incentives to increase the number of transit trips**
- c) **Promote and provide incentives to potential attendees of special events to use alternate modes of transportation (transit, bike, and/or walk)**

9) Page 105 Housing - Staff recommends adding a strategy to:

- a) **Study the feasibility of a rental privilege tax on one or more rental properties.**

10) Page 105 Housing – Staff recommends adding a strategy to:

- a) **Study the feasibility of a rental licensure program.**

11) Existing and Projected Land Use Map – **Staff recommends changing the group homes in Victory Acres from civic land use to residential**, since this is how the property is being used and is projected to continue being used in the future.

#### **ATTACHMENTS:**

Memo and recommendations from the Planning & Zoning Commission  
Letter from Michael Franjevic, Commission on Disability Concerns  
Letter from Helen Stern, Chairperson, Neighborhood Advisory Commission  
Letter from Bill Butler, resident  
Letter from Trevor Barger, resident

## **Memorandum**

### **Planning & Zoning Commission**

Date: November 4, 2003

To: Mayor Giuliano and City Council

From: Charles Huellmantel, Planning & Zoning Commission Chairman

Cc: Planning & Zoning Commission Members, Melanie Hobden, Steve Venker, Diana Kaminski

Subject: General Plan 2030 Planning & Zoning Commission Report

Mayor and City Council,

The Planning & Zoning Commission held three public hearings for Draft II of the General Plan 2030. Based on the public input received during these hearings and the commissions on review of the documents, the Commission is recommending adoption of the Final Draft General Plan 2030 with the attached recommended changes being made in the final document. We are pleased with the public response and input through this process, and are generally satisfied with the content of the plan, and the vision it provides for the future of Tempe. The Commission is confident that this plan will provide the level of public participation and neighborhood protection sought by residents. The goals and objectives of the plan are a significant improvement from the current General Plan 2020, and provide more specificity with regards to density, historic preservation, accessibility, housing and environmental issues.

### **Issues Requiring Special City Council Attention**

There are several areas that the Commission wishes to draw special attention to. Although we do not necessarily have recommendations for change for each issue, the Commission would like special consideration given to these issues.

#### Specific Area Plans:

Through the public hearing process it was determined that there was a conflict between the definitions provided in two different elements of the plan. Staff has removed the language from p. 79, and substituted the language from p. 112 for clarification in the final draft. Removing the language from p. 79 would remove context which strengthens the force of a Specific Area Plan. The Commission agrees that the conflict needed to be cleared up, but has expressed concern about the definition of Specific Area Plan. Although there were several public comments made during the hearing process that expressed dissatisfaction with the proposed language, there were no suggested changes. Staff has informed the Planning & Zoning Commission that the Neighborhood Advisory Commission is working on proposed language changes, but has not been able to reach consensus in time for the Planning & Zoning hearings. Therefore, the P&Z Commission has not had the opportunity to review what is being proposed, and does not have a recommendation to forward regarding this issue. The Commission wants to draw special attention to this issue, so that it is addressed during the remainder of the hearing process. (See attached recommendation # 1.)

#### Victory Acres:

A representative from the Victory Acres Neighborhood Association presented a letter on behalf of residents who attended a meeting to discuss the land use and density designations for their neighborhood. The Commission recognizes that this letter may not reflect the views of all residents of this area, and since no list of signatures was provided it is unclear what portion of the property owners or residents support what was presented. However, the solution proposed appears to reflect the concerns of the majority of attendees from the three hearings. The Commission is pleased that residents were able to provide a solution, and participate in the public process. The results of their efforts are identified in the recommendation supported by the Commission (See attached recommendation #2).

#### Tempe Heights:

Historic Preservation Element and Cultural Resource Area designation on Density Map – The Commission recommends that staff send notification to every property in the Tempe Heights neighborhood located south of US 60 and west of I-10 (see attached map) so that they are aware of a proposed change, and the coming hearing dates. There is no recommendation for change until residents have had the opportunity to voice support or opposition of the request to include this area on both maps. (See attached recommendation #11.)

#### Accessibility Element:

The Commission would like to applaud the inclusion of this new Element within General Plan 2030. We would also like to thank those persons whose tireless efforts will insure all individuals have to opportunity to live, learn, work and play in the City of Tempe.

#### Air Quality and Ambient Temperature Elements:

The Commission has provided recommendations for these elements, however the Commission felt that these elements were not as well thought out as other elements of the plan, and should have more content and a more proactive approach to these issues. (see attached recommendations #30, #31 and #32)

Based on the public input and Commission discussion, it is our pleasure to forward the following recommendations for Council consideration as amendments to the Final Draft of General Plan 2030.

## PLANNING & ZONING COMMISSION RECOMMENDATIONS FOR AMENDING THE FINAL DRAFT OF GENERAL PLAN 2030

### I. Planning and Zoning Commission Recommendations

1. Specific Area Plans. The Planning & Zoning Commission would like to draw attention to the language on p. 79 and 112 (see text below), as it pertains to the Specific Area Plan definition. The Commission has agreed with Staff's removal of the language on p. 79 replacing it with what is shown on p. 112, mainly due to the fact that the deleted language was included in error and as such had not been formally discussed. This change does not address public concerns with the definition of Specific Area Planning, and the Planning & Zoning Commission did not receive any recommended suggestions for change. **The Commission recommends that this issue be resolved prior to adoption of the document since this matter deals with the important issue of the legal weight to be given to Specific Area Plans, and their relationship to the General Plan pertaining to amendments of that document.**

The language on page 79 elevates the Specific Area Plan requirements above those within the Zoning Ordinance so that conformance with the Specific Area Plan requirements is required over those in the Zoning Ordinance. The Specific Area Plan may have stricter requirements than the Zoning Ordinance. Any deviation from the Specific Area Plan requirements would require a variance or other public hearing process, just as a deviation from the Zoning Ordinance would require. As such, the Specific Area Plan in this instance is much more than a policy document. It would subordinate the Zoning Ordinance and create another layer of strict legal regulation. In addition, as a part of the General Plan, any zoning actions must be "in conformance with" the Specific Area Plan. Thus, any rezonings or amendments to the text of the Specific Area Plan would require a Major Amendment to the General Plan.

The language on page 112 creates a Specific Area Plan which is more of a policy document. Amendment of the Specific Area Plan still would require a General Plan amendment, however, it appears that the Specific Area Plan would be subordinate to the Zoning Ordinance with the Plan's regulations acting as guiding policies to be complied with in the framework of the General Plan as well as the Zoning Ordinance.

The City must decide whether it desires a strict regulatory Specific Area Plan or a more flexible policy document. The conflicting language is as follows:

*P. 79 of Draft II Land Use Element - Specific Area Plan – These plans are used when an area requires more intensive planning and participation and the community wants a policy document, which amends the General Plan. As a major amendment to the General Plan, a Specific Area Plan requires a supermajority adoption by Council during the annual hearing for all Major Amendments of the General Plan. The plan may have more restrictive standards than the zoning ordinance. When adopted by Council, this plan becomes a policy document for the area. Adoption of a document carries the weight of municipal law, and would require amendment or variance hearing for deviations from the plan. The plan may also result in the development of an overlay district. While the Specific Area Plan is not completely inflexible, it requires a formal process. These plans are*

*developed through a process of extensive public meetings where all stakeholders in the plan area are invited to participate in the process. The Specific Area Plan may include a land use plan, a transportation plan, development design guidelines, landscape design guidelines, urban design elements; park master plans and economic development plans. Plans should have goals, objectives, strategies and measurement criteria. These plans are enabled in State legislation and have legally defined boundaries. The plans should have a sunset clause, and be reviewed and updated. A legal notification and participation process will be defined in the zoning ordinance.*

*P. 112 of Draft II Neighborhood Element - Specific Area Plan - Specific Area Plans can be initiated by residents, the Planning and Zoning Commission, city council or developers. These plans are developed through extensive public meetings where all stakeholders in the area of study are invited to participate in the process. This plan has minimum geographic area requirements, along with specific compliance of public process, notification, and public hearings as outlined in the Zoning Ordinance. The plan is organized in the format of the General Plan with detailed information specific to the area and may include a land use plan, a transportation plan, development design guidelines, landscape design guidelines, urban design elements, park master plans and economic development plans. A Specific Area Plan must be adopted by a supermajority of Council and then becomes an amendment to the General Plan.*

2. Victory Acres Land Use Designation – Change the projected land use map to show mixed-use on all non-residential zoned properties, on the multi-family zoned property on McArthur, and on the northern half of the residential zoned properties facing University Drive. (see attached map)

3. Victory Acres Density Designation – Change the projected density map to show up to 15 du/acre on all non-residential zoned properties, and on the northern half of the residential zoned properties facing University Drive. All residential remaining residential zoned properties from the north side of Laird to the south side of McArthur to be changed from “up to 9 du/ac” to the density designation of “Cultural Resource Area”, thereby designating the density to whatever the underlying zoning allows. (see attached map and letter)

4. P. 76 (of Draft II) Land Use Element Strategy – Add a strategy to “Develop a process for creating Specific Area Plans”

5. P. 165 (of Draft II) Water Element Strategy – Add a strategy to “Update the Water Utilities Department Drought Management Plan and present it to City Council for further consideration and formal adoption.”

6. P. 142 (of Draft II) Town Lake Growth Element – Add a strategy to “Develop alternative water supplies for use at Tempe Town Lake and the Rio Salado Habitat Restoration Project, including reclaimed water from the Tempe Kyrene Reclamation Facility.”

7. P. 214 (of Draft II) Parks and Recreation Element – Delete the strategy to “Consider cell phone towers in parks, where appropriate, as a revenue producing opportunity for parks.”



8. Land Use Map Change – Change the land use designation on 2525 E. 1<sup>st</sup> Street, parcel #13539010U, located on the southwest corner of Evergreen Road and Rio Salado Parkway from “residential” to “commercial”

9. Cultural Resource Area Density Designation – Change the Density Map to remove all properties from the Cultural Resource Area designation that have a mixed-use land use designation, and that do not have a residential density designated through zoning (C-1, C-2, CCR, I-2) (because these commercial zoning categories do not allow residential development.) This change was required to promote appropriate mixed-use or infill development which would otherwise require an amendment to the General plan in areas where appropriate mixed-use or infill development is encouraged by the City. Change the density map to show the proposed residential density designation proposed for these properties in the first draft of the General Plan. (see attached maps)

10. Land Use Map Change – Change the Projected Land Use designation on the following properties:

12432028 – 401 W. 1<sup>st</sup> Street;

12432053E – 202 S. Farmer Avenue;

12432053F – 206 S. Farmer;

12432056 – 298 S. Farmer;

12432057 – 330 S. Farmer and

12432027 – 350 S. Farmer

located along Farmer Avenue, north of 5<sup>th</sup> Street, south of 1<sup>st</sup> Street to show mixed-use on both sides of Farmer Avenue, the full length of the street, including the Industrial parcel on the corner of Farmer and 1<sup>st</sup> Street, but excluding the APS substation west of Farmer. (see attached map)

11. Historic Preservation Element and Cultural Resource Area designation on Density Map –

The Historic Preservation Commission has identified the Tempe Heights subdivision as missing from the map on p. 95 (of Draft II), and therefore also left out of the Cultural Resource Designation on the Density Map. This was an oversight, since the neighborhood was identified in the Post WWII Subdivision Study. The Commission recommends that staff send notification to every property in this neighborhood located south of US 60 and west of I-10 (see attached map) so that they are aware of the proposed change, and the coming hearing dates. There is no recommendation for change until residents have had the opportunity to voice support or opposition of the request to include this area on both maps.

12. The following projects have been identified as recent amendments to the current General Plan 2020, which have occurred during the public review for the draft General Plan 2030. The Commission recommends changing the following projected land use and/or density maps in 2030 to coincide with recent approved General Plan 2020 amendments:

- a) Fountainhead Corporate Park, 1535 West Broadway, Lot 11B, Mixed Use
- b) Villagio at Tempe, 2401 East Rio Salado Parkway, Residential
- c) The Emerald, 1740 West Warner Road, Commercial
- d) Elliot Estates, 455 East Elliot Road, Residential/ up to 9 du/ac
- e) The Vale at Tempe, 1149 West University Drive, Mixed use/Greater than 25 du/ac
- f) Campus Crossings, 1010 South Terrace Road, Mixed Use
- g) Quiktrip, 3875 South Priest Drive, Commercial

## **II. Commission recommended changes to the Draft II General Plan 2030**

The following is a list of the Commission recommended changes to the Draft II General Plan 2030 (brown cover):

13. P. 5 Tempe's vision for the year 2030 is livability – a community of vital neighborhoods, visually attractive, transit sensitive, with resident participation in making crucial decisions about the future.

14. P. 5 The mission of the City of Tempe is to strengthen Tempe's status as the best place to live, learn, work and play.

15. P. 5 The mission of General Plan 2030 is to guide Tempe in its efforts to enhance a livable and sustainable urban environment that is sensitive to issues which impact the people who live, learn, work and play in Tempe.

16. P. 7 History reflects the community culture and planning philosophy. This timeline outlines the City of Tempe's historic development. Understanding where the community has been. Helps us in creating a vision for the future. By evaluating our successes and failures, we can be inspired by what has worked in the past and aspire to improve what has not.

17. P. 8 Add a line in the historic timeline identifying the year that the Salt River was officially designated as dry.

18. P.17 last line of first paragraph:  
Neighborhoods within Tempe need support to maintain the quality of life residents have enjoyed.

19. P. 23 Fifth sentence of second paragraph:  
Sand and gravel mining, solid waste disposal, agriculture, gaming and retail have been the largest land uses in this area.

20. P. 51 Last sentence of first paragraph:  
The General Plan can ~~help guide~~ maintain Tempe ~~into~~ as a well-planned desirable place to live, work and spend free time.

21. P. 66 Mixed-use definition, last sentence:  
Basic criteria for development include reasonable scale to the surrounding neighborhood, encouragement of alternative modes of transportation such as bicycling and walking and a well-conceived plan with access to and integration of transit facilities.

22. P. 116 Halfway down the page, last bullet subset of first requirement:  
A statement of a feasible and equitable method proposed for the relocation of families and businesses to be displaced from the redevelopment project area.

23. P. 116-117 Redevelopment – add “for public use” after eminent domain references:  
Requirements – 3<sup>rd</sup> bullet from end of list - Eminent domain is allowable for public use if designated in the redevelopment plan

Strategies – 3<sup>rd</sup> strategy from top of list - Eminent Domain, for public use

24. P. 124 Economic Development – split the last strategy into two strategies:

- a) Streamline city processes for development and redevelopment
- b) Retain citizen involvement in development and redevelopment plans

25. P. 124 Economic Development – add a strategy:

Coordinate zoning and community development with permitting processes to create a seamless path toward development.

26. P. 134 ASU Growth Area – add the following strategies:

- a) Work with state agencies and university staff to document, assess and promote historic structures.
- b) Appoint an ASU representative with a high level of authority to the Historic Preservation Commission.
- c) Partner with Economic Development and Real Estate staff at ASU, and the Chamber of Commerce to promote Tempe as a learn/work/research center.

27. P. 139 Papago Park Center Growth Area – add the following strategies:

- a) Work with the Papago Park Center staff and developers to retain existing landscape features.
- b) Retain the Design Review Board

28. P. 141 Town Lake Growth Area – delete the following strategy which is redundant with an objective:

Ensure that over time Tempe receives a return on its investment in the Town Lake Area

29. P. 141 Town Lake Growth Area – add the following strategies to implement the educational objective:

- a) Continue coordination with city departments, non-profits, ASU and schools for classes and events.
- b) Use signs, art and events to provide information about the area.

30. P. 149 Air Quality – delete the strategy to reduce the number of vehicle miles traveled, which is redundant with the objective.

31. P. 150 Air Quality – add the following strategy:

Convert a substantial portion of municipal vehicles to alternative fuels

32. P. 152 – Ambient Temperature – add the following strategies:

- a) Develop city-wide standards to include the opportunity to utilize current technologies and methods.
- b) Incentivize projects that meet or exceed the requirements for use of technology and alternative materials to reduce ambient temperature.

33. P. 159 Solid Waste – add the following strategy:

Study potential methods for recycling municipal solid waste and hazardous waste.

34. P. 164 – Water – delete the fourth strategy from the bottom of the page:

Use organizational development, including work force restructuring and skill based compensation.

35. P. 188 - Travelways - add objective to reference rail, since this is the Travelways element: Encourage and plan for rail uses.

36. P. 233 – Public Buildings – delete the strategy which is not reflective of the objectives, and is already covered in the Transportation Chapter.

37. P. 239 – Public Services – change the fifth (last) strategy:  
Distribute services ~~evenly~~ as needed throughout the community.

38. P. 250 Fire – add a strategy to support the education objective:  
Continue cable Channel 11, water bill inserts, special events and school appearances to promote fire safety.

39. P. 38 Accessibility Element - The Commission recommends acceptance of the suggested language from the Accessibility Task Force.

### **III. House-cleaning amendments to General Plan 2030 Draft II**

The following errors were caught in between the second and third Commission hearing, while reviewing the maps:

40. Existing Land Use Map – Change northwest corner of Broadway/McClintock from vacant to Residential (under construction).

41. Existing Residential Density – Change northwest corner of Broadway/McClintock from vacant to up to 25 du/ac category (under construction).

42. Projected Residential Density – Change the following:

- Southwest corner of Elliot/Rural from “up to 15” to “up to 9 du/ac”.
- Near McClintock, north of the canal, change park to have no density.
- Northeast corner subdivision of Mill/Alameda, conflict with existing 4 to 9 du/ac and projected 1 to 3 du/ac Properties are zoned R1-10 change to “up to 3 du/ac”.
- Southeast of Rural/Guadalupe, conflict with existing 4 to 9 du/ac and projected 1 to 3 du/ac. Properties are zoned R1-8 change to “up to 9 du/ac”.

## GP2030 Accessibility Element, Page 89

**ACCESSIBILITY ELEMENT INTRO:** No change. Previously approved by Commission.

**GOAL:** No change. Previously approved by Commission.

**OBJECTIVES:** No change. Previously approved by Commission.

**STRATEGIES:** Three (3) proposed changes: Clarification, Possibly Content

**#3: Current wordage:**

Dedicate staff and resources to a periodic audit of existing city facilities and review of proposed city facilities. (The Commission approved the addition of the following key word: internal)

**#3: Proposed wordage:**

Dedicate staff and resources to a periodic (internal) audit of existing facilities and review of proposed city facilities.

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**#4: Current wordage:**

Dedicate staff and resources to an external assessment of private facilities used by the public, and review of proposed developments. (The Commission approved the addition of the following key word: periodic)

**#4: Proposed wordage:**

Dedicate staff and resources to a (periodic) external assessment of private facilities used by the public, and review of proposed developments.

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**#8: Current wordage:**

Provide opportunities for people with different abilities to meet, live, learn, work or play together. (The Commission approved the following key word change: or to and)

**#8: Proposed wordage:**

Provide opportunities for people with different abilities to meet, live, learn, work (and) play together.

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# Memorandum

Date: November 6, 2003

To: Mayor and Council  
Planning and Zoning Commission  
Melanie Hobden, Manager, Development Services Department

From: Helen Stern, Chair, Neighborhood Advisory Commission

Subject: Recommended Changes to General Plan 2030

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Based on substantial prior work on the part of the Neighborhood Advisory Commission, and with extensive technical input from Development Services staff and the City Attorney, at the November 5, 2003 meeting, the following was unanimously approved as recommended changes to General Plan 2030:

The purpose of the proposed revisions to General Plan 2030 is to:

1. Simplify and clarify the hierarchy of neighborhood planning;
2. Eliminate replication of text in the Land Use and Neighborhood elements;
3. Be in alignment with the Zoning Ordinance references to formal (council adopted) planning processes; and
4. Streamline processes required in the Zoning Ordinance by utilizing applicable procedures rather than creating new ones.

This proposal provides three neighborhood planning tools, the Neighborhood Vision Plan, Community Plan, and Specific Plan, that:

1. May be city-initiated, or community-initiated with City approval;
2. Are based upon participatory processes that engage residents in planning, not processes that merely inform them; and
3. Provide a clear process for moving from one level of planning to another, including transition into the ordinance arena where necessary (Neighborhood Vision Plan to Community Plan, to Specific Plan).

The Neighborhood Vision Plan:

- Is in essence what was previously called a "Neighborhood Strategic Plan";
- Includes a visioning process; and
- Once accepted by Council, provides a *general policy* document that guides departmental action.

The Community Plan:

- Is in essence what was previously called a "Specific Area Plan";
- Builds on the visioning process; and
- Once adopted by Council amends the General Plan, thus creating a *land use policy* document that guides City decisions by City councilpersons, boards, commissions, and staff about development or preservation activities in the Plan area.

The Specific Plan:

- Is a new tool that has been necessitated by changes to Arizona statutes since the first neighborhood planning processes were initiated;
- Builds on the Community Plan; and
- Once adopted by Council amends the Zoning Ordinance, thus creating a *regulatory* document that guides City decisions by City councilpersons, boards, commissions, and staff about development or preservation activities in the Plan area.

The following pages detail text edits recommended for adoption by the City Council, Planning & Zoning Commission, and Staff.

Note is made of a proposed Planning and Public Involvement Policies and Procedures Manual that will be developed by City Staff, with NAC input and feedback to development of this document. We will use the previously developed NAC process recommendations for the "Specific Area Plan" in 6-304 of the Regulatory Re-write as a starting point for input.

## Proposed General Plan 2030 Changes

### *Land Use Element*

Under the section named "***Definitions of Land Use Planning Tools***", please replace the text with the following text:

**Building Codes** – A model code adopted by City Council that is dedicated to the development of better building construction and greater safety to the public by uniformity in building laws. Focused on structural systems, exiting and fire safety, it contains broad-based principles that make possible the use of new materials and new construction systems. [not edited]\*

**Community Plans** – These plans are created when a Neighborhood Vision Plan calls for more intensive planning and a policy document that amends the General Plan and the City concurs with this need. These plans are developed through an extensive process of public meetings where all stakeholders in the area of study are invited to participate (see Zoning Ordinance 6-303 and the forthcoming Planning and Public Involvement Policies and Procedures Manual for planning

and adoption procedures). Based on the goals, objectives, and implementation strategies stated in the Vision Plan, a Community Plan may include any elements present in the General Plan, such as a land use map, a transportation plan, urban design strategies, park master plans, and economic development plans. *These plans amend the General Plan and adoption of the document by the City Council carries the weight of municipal law as enabled by State legislation. Deviations from the Community Plan would require a General Plan amendment.*

**Comprehensive Multi-Modal Transportation Plan** (see the Transportation Chapter) – Focus on achieving a more balanced transportation system and reducing reliance on the automobile; preserving neighborhood character; enhancing streets to maximize safe and efficient use by all modes of transport; and enhancing the ability to drive to, from and within Tempe, but not through Tempe. [not edited]\*

**Eminent Domain** – State-authorized power granted to Cities for the purpose of redevelopment of areas determined to be slum and blight, and posing a threat to public health, safety and welfare, or considered an economic or social liability requiring action to mitigate community problems. Property owners are offered fair market value to sell their property to the municipality, and have the right to contest in court, the offer to purchase their land. Professional appraisals and legal negotiations may result in out of court settlements. [not edited]\*

**Housing Reinvestment Programs** (see the housing element) – Focus on providing diverse housing types and healthy and safe living conditions for both rental and owner-occupied residences. Programs range from very low-income housing assistance to homebuyer education and landlord rental improvements. Programs are often federally funded. [not edited]\*

**Neighborhood Action Plans**—*[Delete entirely. This pertains to City departmental action only and does not require a plan document.]*

**Neighborhood Vision Plans**– Are developed when residents of an area recognize the need to address multiple issues through a participatory visioning or strategic planning process, rather than working on one issue at a time with appropriate City departments. The document serves as a flexible, long-term guide for a neighborhood's future. The process for creating such a plan includes problem identification and leads to an assessment of: the neighborhood's strengths, weaknesses, opportunities and threats; the neighborhood's vision, mission, and values; as well as goals and objectives to attain the neighborhood's vision of its future. Implementation strategies may call for further planning action through other planning processes and tools. *When accepted by the City Council, this plan becomes a general policy document guiding City departmental action in the area.*



**Overlay Districts** - Specific interests such as historic, transportation, or economic preservation or enhancements drive these districts. An area must meet specific criteria, have unique area issues and address a vision or desired conditions for an area in order to qualify for district designation. Areas determined to be overlay districts include revitalization planning tools, and should have goals, objectives and measurement criteria. These districts are defined in State legislation and have legally defined boundaries. Overlay Districts may not have a sunset clause, if the intent is long term protection. A legal notification and participation process would be defined in the zoning ordinance. This tool is used to control or restrict particular uses in special areas with boundaries different from those of regular zoning districts, and may be super-imposed on regular zoning districts. Overlay Districts encourage specific conditions (such as encouraging a pedestrian environment, providing a smooth transition to adjacent areas, intensifying development, creating a unified environment, requiring higher design standards, protecting historic structures) which are identified in the zoning ordinance specific to each district. [not edited]\*

**Redevelopment Districts and Plans**- Focus on designated areas containing a predominance of blighted or dilapidated structures or conditions that may be effecting public health, safety and welfare. Other conditions that may warrant redevelopment include obsolete platting, inadequate street layouts, barriers/impediments to sound/smart growth of the community, impediments to housing provisions, or economic or social liabilities, and is a menace to the community. An area must meet specific criteria to qualify for redevelopment designation (see redevelopment element). These districts and the planning tools used are driven by protection of public health, safety and welfare, and therefore led by public efforts. Redevelopment districts proactively seek development through public/private partnerships. These districts enable removal of some existing structures, with the intent to rebuild or redevelop, thereby encouraging revitalization of adjacent areas, and encouraging reinvestment of other nearby properties. Redevelopment plans are defined in State legislation, which identifies required plan contents. These plans must include an extensive public participation process including property owners and stakeholders and legal notification requirements are applicable. Eminent domain is allowable if designated in the redevelopment plan. Incentives may be available. The plan should have a sunset clause for when the area no longer fits specified criteria or has met the goals and objectives. When adopted by Council has legal standing for land use development. [not edited]\*

**Revitalization Areas** - Do not meet the criteria to be considered a redevelopment area, however if revitalization does not work continued decline in the area may lead to redevelopment designation at a later time. Unlike redevelopment, which is government (public) led planning, these areas are driven primarily by private interests to improve an area. Revitalization coordinates research and activities focused on influencing the physical conditions, market, image and social network of a neighborhood; working to

inspire confidence in neighborhoods. Revitalization promotes infill, reuse and investment in existing structures as opposed to removal of buildings. Revitalization areas encourage reinvestment by working with existing property owners, tenants and city staff to invest additional resources in their properties and the community, adding vitality through physical infrastructure, aesthetic improvements, service enhancement or staff attention (safety, planning, refuse, etc.). The purpose of these areas is to provide increased flexibility for development in the area, through reduced regulatory procedures and incentives while maintaining the integrity of existing neighborhoods. [not edited]\*

**Specific Plans** – Specific Plans that pertain to neighborhoods must first be preceded by a Neighborhood Vision Plan and a Community Plan. Specific Plans are created if implementation of a Community Plan requires changes to the zoning ordinance, or to create other land use planning tools listed in the Land Use Element of General Plan 2030. A Specific Plan may include requirements that change the zoning map or code text of the underlying zoning district in regard to such characteristics as: development design guidelines, landscape design guidelines, and urban design guidelines. These guidelines encourage specific conditions called for in the Community Plan, such as a pedestrian environment, a smooth transition to adjacent land uses, intensifying development, creating a unified environment, requiring higher design standards, and protecting historic structures or character. A Specific Plan may include:

1. Regulations determining the location of buildings and other improvements with respect to existing rights-of-way, floodplains, and public facilities;
2. Regulations of the use of land, buildings, and structures; the height and bulk of buildings and structures; and the open spaces around buildings and structures;
3. Street and highway naming and numbering plans in order to establish the official names of streets and highways to remove conflicts, duplication, and uncertainty among such names, and to provide an orderly system for the numbering of buildings and properties;
4. A plan and regulations determining the location of infrastructure service area boundaries, consistent with the growth areas element of the General Plan; and
5. Urban design guidelines.

The Specific Plan shall consider all elements of the General Plan, including the circulation and public facilities elements, but may focus on only one, or if desired, more than one of the General Plan element subjects. See Zoning Ordinance 6-305 and the forthcoming Planning and Public Involvement Policies and Procedures Manual for planning and adoption procedures. *Specific Plans are enabled by State legislation, and adoption of the document by the City Council carries the weight of the zoning ordinance, and would require a variance hearing for deviations from the plan. Being based on a Community Plan amendment to*

*the General Plan, deviations from the Specific Plan may also require a General Plan amendment.*

**Zoning Ordinance** – Provides maps and detailed rules defining zoning districts with permitted uses, development standards such as height, setbacks, densities, parking requirements and design guidelines that govern how property owners can develop their land. State law recognizes this document, which, when adopted by Council, has legal standing for all land development and property use. [not edited]\*

*\* Similar to what has been recommended for Neighborhood Vision Plan, Community Plan, and Specific Plan, we recommend that City Staff clarify the regulatory weight and reference to applicable Zoning Ordinance sections for each definition and revise the text accordingly.*

## ***Neighborhoods Element***

*Under the objective that states “Allow for public comment through all stages of a clearly defined planning process”, please add the following strategy:*

Develop and implement a Planning and Public Involvement Policies and Procedures Manual that describes the specific planning and public engagement processes for all City planning tools.

*Eliminate the text under the strategy that states “Utilize the following planning tools” and replace the strategy with:*

Utilize the appropriate planning tools as defined in the Land Use Element.

*After the list of Land Use Element planning tools, add this strategy:*

Utilize the following planning tool referred to in the Open Space Element:

- City of Tempe Parks and Recreation Master Plan 2001.

## ***General Plan Amendment Process***

In the section defining Major Amendments to the General Plan, strike the first bullet that states:

“The plan is a Specific Area Plan”

November 6, 2003

Mr. Mayor and Members of the Council

I am submitting to you my letter to the Planning and Zoning Commission at their October 14 meeting. Everything I wrote in that letter still is germane to the discussion this evening.

Contrary to what you may be told, the odiferous specs for the Specific Area Plan in the Zoning Rewrite do pertain to the discussion on the General Plan discussed now. It is mentioned on 5 pages of the General Plan and several times in the NAC letter of November 6, 2003.

The letter refers you back to Zoning Ordinance Section 6-305 for Planning and Procedures; in other words they are telling you that they have removed the stink but in truth it is still hidden in the letter.

Nothing has been changed. The onerous 33% and the killer 150 foot combined with the 20% rule will still be in the General Plan by referral to the Sect. 6-305.

My comments on lack of planning as to a dooms day drought are reinforced by many news articles, the latest is that Chandler is planning for rationing water. We must also think about the day that we will have to choose priorities for water use. We cannot rely on studies, plans, and promises when government cannot make it rain.

This is an excellent time to actively enforce the tax on rentals, and maybe tax the one rental owner. By subterfuge and fraud some owners of many, many homes are able to avoid the rental tax. The City can use the income.

The cell towers in the parks needs at the least to be defined to a towers only restriction instead of carte blanche invasion of the parks with buildings, etc. Reassurances by staff are not as comforting as a written rule. The rental amount scheme also needs parameters

allowing for inflation. The proposed \$1200 rental by Voice Stream a few years ago might not buy you a candy bar in the year 2030. I saw an ad showing a new Piper J3 plane at \$995.00. That plane, if it was still in production, would cost you an estimated \$30,000 today. My father's new 1941 Ford was about \$995.00 and today that car would cost \$25 to \$45,000

Bill Butler  
1227 W 4<sup>th</sup> Street  
480 966 2311

Planning and Zoning Commission,  
City of Tempe

October 14, 2003

At the risk of redundancy I again ask that you recommend to Council that the egregious, onerous, odiferous attempt to disenfranchise the land owners of Tempe as to the Specific Area Plan requirements be deleted from the Zoning Rewrite altogether. The Staff will attempt to tell you that it is not on the table today, yet the Specific Area Plan is mentioned in the General Plan on pages 53, 56, 79, 112, and 264. Clearly it is part of the General Plan.

As it is now set up, a Specific Area Plan - which is in effect a change of the General Plan - becomes a zoning change subject to a plethora of City and State laws regulating Zoning Changes. This is an side step attack on Specific Plans where a frontal attack would be too evident.

I am advised by Cliff Matice, City Attorney working on the Plan that a section devoted to the Specific Area Plan, as found on page 6-12 of the Zoning Rewrite, can stand alone as a separate Ordinance as long as it is a Plan, ie; does not delineate specific amounts, feet, setbacks, etc.

A Specific Area Plan is a PLAN, ie; a guide, a wish list. Putting the Specific Area Plan into the Zoning is merely a subterfuge to enable the planners to disenfranchise the landowners of the area.

If the clause is not eliminated from the Zoning Rewrite, where it is subjected to ZONING CHANGE LAWS, I can see a battle over the plan that will get it defeated at the polls. There is enough people upset about it that the vote can be and will be against the City Staff's power grab. This was probably written by a staff person who has since left the job leaving behind his admitted hate for Specific Area Plans, witness the wasted effort resulting from his blocking Plans since 1996 for a Plan for Northwest Tempe, and the fact is that we have not one anywhere in the City.

WATER----Page 161:

The draft clearly ignores the possibility of doomsday drought, relying instead on vague studies and promise of a water supply by people who cannot make it rain. If the Colorado River watershed does not get rain for many more years we will see the CAP Canal unable to deliver water for the Lake, and thirsty people unwilling to watch water evaporate solely for the sake of esthetics. We need a clear plan of priorities in the 2030 as to who gets water and how much they get when there isn't any to waste.

It is probably ignored because the City Administration does not want to be embarrassed by spending millions of dollars on a lake without ~~water to keep it filled~~ *in times* of an extremely long and dry drought. And we may well be in for a long dry spell starting in 1998.

Page 33:

Instead of glossing over our lack of statistics on the number of rented stand alone single family houses the Plan should seek a plan for such numbers and a plan for taxing the rental dollars. The City is now in a budget crunch but ignoring a sizeable source of revenue.

I refer not only to the City's desire to promote affordable housing but to the owners of 100's of rentals that avoid the tax by fraud and subterfuge, for instance, having the water bills sent to the property address thereby avoiding awareness by the City staff.

Doing a Plan without such statistics is truly shooting fish in a dark barrel. A Licensing policy for single rentals is a must. It can be more lenient for the owner of 1 rental if need be, but as of now there is anarchy and abuse of privilege along with lack of knowledge for planning.

The Commission should ask that this subject be moved to the text and out of the introduction with specific language for an objective.

Page 214:

Cell Phone Towers in our Parks:

This one liner trap for the unwary is again on the table. It was soundly defeated several years ago in a proposal by Voice Stream to take over much of Jaycee Park with a no oversight authority, to drive vehicles, dig ditches, build facilities wherever they chose to do so. The proposed building was to consist mostly of chain link wire, including the roof, laced with aluminum slats; a ghastly high maintenance monster in our only and beautiful park.

All of this was to cost them \$1200/month fixed rental for all time with no increase in rent as our dollars deteriorate.

To all aware, this was a private ill use of a public property.

I ask that the P&Z Commission recommend the deletion of this line.

Bill Butler  
1227 W. 4<sup>th</sup> Street  
480 966 2311

There seems to be a mistake in the transcribing of the notes from the NAC meeting last night.

It was Ms. Corder's opinion this AM that the consensus of the NAC was that the offending section 6- 305 be removed from the Zoning rewrite.

The final draft has the reference of following 6-305 for the rules of setting up a SPECIFIC PLAN, a new term for "Specific Area Plan".

The transcriber evidently made a mistake in the rush, after a hectic meeting with an emergency involved, of getting the letter out for this Council meeting.



Dear Mayor, Members of the Council  
and City Staff,

I am Trevor Barger. I live at 728 west 9<sup>th</sup> street.

I am a land planner for a premier architecture and planning firm in town, and have been involved in the design of several high end master planned communities in the southwest, as well as the current Comprehensive plans for Apache and Navajo Counties. As such I am well aware of how Tempe's General Plan 2030 (GP 2030) will be used on a daily basis by diverse individuals, and how the approval of the plan influences the future of my neighborhood.

I have tried to be an active participant in the public portions of this process, and would like to personally commend the job the staff has done, particularly Diana Kaminski and Chris Messer, undertaking this monumental task. It is much more difficult to prepare a general plan for a full developed area than it is in open or newly developing regions.

I represent the area generally known as Mitchell's 3<sup>rd</sup> subdivision block 1, specifically, Alphagraphics, The City of the Lord, Charles Connelly, May Yoder, the homeowner of lot #17, and my own interest in my home.

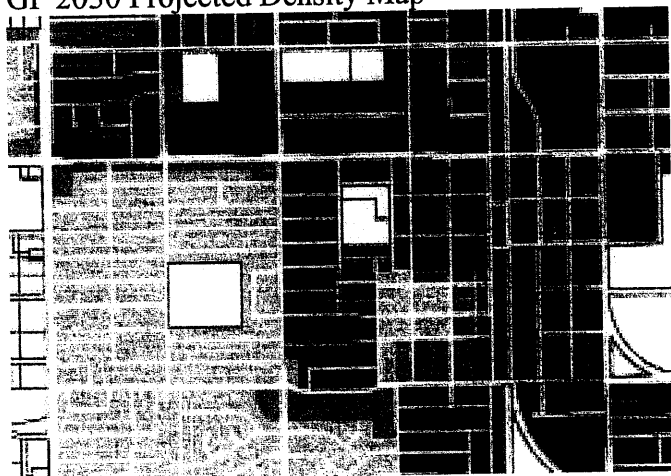
We wish to express our support of the Planning and Zoning Commission's recommendation to remove commercially zoned areas of our community from the Cultural Resource Area on the GP 2030 Projected Residential Density Map, and instead assign to those properties a density range. We further support Staff's recommendation to use the density shown to the public on previous drafts of the GP 2030 Projected Residential Density Map for these areas. This change to the current draft will allow the commercial areas of the city to include residential in the mix as they develop as suggested by the GP 2030 Projected Land Use Map into mixed-use areas.

There are two issues we are still concerned about that we would like to call to your attention. 1. The first is the potential conflict for residential areas shown as Mixed Use on the GP 2030 Projected Land Use Map that are also within the Cultural Resource Area on the GP 2030 Projected Residential Density Map. 2. The second is the method of calculating density for single-family residential areas that have already been developed within the Cultural Resource Area on the GP 2030 Projected Residential Density Map.

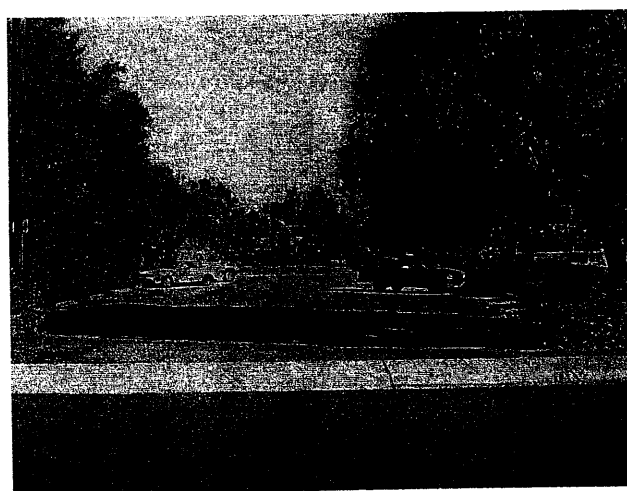
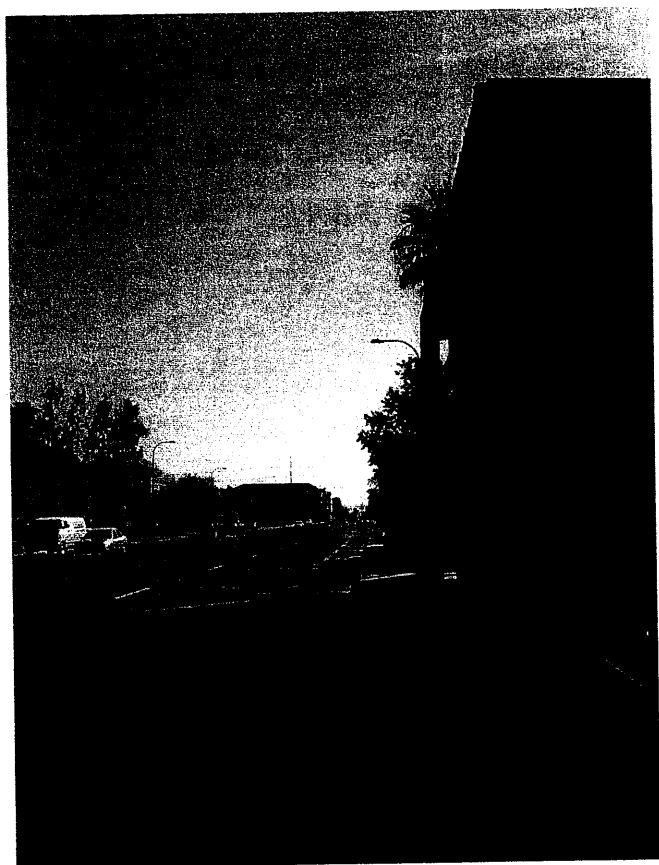
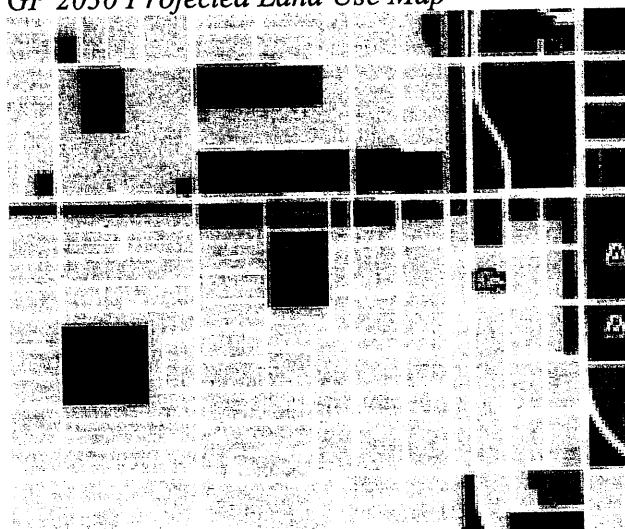
1. The first issue occurs when someone comes in to rezone a residential property to mixed use as supported and suggested by the GP 2030 Projected Land Use Map. If the residential property is in the Cultural Resource Area on the GP 2030 Projected Residential Density Map, then it may be restricted to a density lower than would be allowed by mixed-use zoning. To re-zone such a property to mixed use, the applicant would be required to get a minor amendment to the GP 2030 Projected Residential Density Map first. The applicant would not be allowed to rezone the property to any use other than mixed use without an amendment to the GP 2030 Projected Land Use Map. This un-intentional conflict between the two maps creates a condition where no re-zoning would be supported by the GP 2030 without first amending one of its two major maps.

In our block specifically, this first issues would cause this conflict for the City of the Lord Property. Their parking lot currently straddles C-1 and R1-6 zoned lots. They would like to sell their building to a commercial user who may like to continue using the existing parking lot. To do so they must rezone it to a commercial use, the GP 2030 Projected Land Use Map will only support rezoning to Mixed Use. They decide to rezone all of their property to an MU zoning. They will not be allowed to rezone the R1-6 zoned lot however because it is currently shown within the Cultural Resource Area on the GP 2030 Projected Density Map, which limits the projected density to 4du/ac. The lowest MU zoning is in excess of 4du/ac, so the GP 2030 would not support the re-zoning. This is the same problem the rest of the homes on our block will experience, including mine.

GP 2030 Projected Density Map



GP 2030 Projected Land Use Map



The Mixed Use designations on the GP 2030 Projected Land Use Map are supported by the previous general plan and specific area plans. These areas were shown in all of the GP 2030 public meetings. The Cultural Resource Area designations were new to the maps as of the September 2003 Draft.

To resolve this conflict, we recommend removing areas shown as Mixed Use on the GP 2030 Projected Land Use Map from the Cultural Resource Area on the GP 2030 Projected Residential Density Map. For these areas we recommend reinstating the densities that were shown on the GP 2030 Projected Residential Density Map in the public meetings, densities that would support rezoning to MU districts.

2. The second issue occurs when some tries to rezone already developed residential property within the Cultural Resource Area as shown on the GP 2030 Projected Residential Density Map. The Cultural Resource Area category recommends as a future density, “the highest appropriate density for”, “the underlying zoning”, “at the time this plan is adopted”. The description of the category suggests that this designation was applied to “areas...which are considered culturally significant to the character based on the 2001 Post World War II Subdivision Study.” A study I must admit I did not know existed or I was a part of until I had read this draft.

In reading the “Comments and Responses to the DRAFT General Plan 2030” this new category was recommended by the Advisory Team as part of a clever response to comments by residents of the Maple Ash Neighborhood. These comments were generally, that the proposed densities in the Maple Ash Neighborhoods were too high. This is a difficult issue, and it is likely that the legal staff has advised the planning staff not propose any densities less than the underlying zoning rights permit. If they did advise so, it would most likely be out of fear that doing so might trigger a takings issue if they did so without the property owner’s permission.

The application of this category to the residential areas in my neighborhood will have some unintentional effects however. When the area initially developed, the density of the site, for zoning purposes, was based on the gross site area, and included areas that would eventually become dedicated roads, alleys, parks, schools, and other public facilities and areas. In doing so, the developer was allowed to sell residential lots, as long as they met the minimum lot size requirement. In our area, that allowed for 6000sf lots since we have R1-6 zoning. When this same property is now rezoned, after development, the existing roads, alleys, parks and schools no longer sit on land owned by the applicant. Because of this, only the land actually owned is considered for the density calculations. The owner of a 6000sf R1-6 zoned lot with one home on it currently owns property the city would say currently has a density of 7.26 du/ac.  $[43560 \text{ (number of sf in an acre)} / 6000\text{sf (the number of sf per house)}]$  If this house were within the Cultural Resource Area on the GP 2030 Projected Residential Density Map, and the owner wished to rezone the property, the map would only support rezoning the property at a density of 4 du/ac, almost half their current density. Clearly this is not what the Cultural Resource Area designation is supposed to do, but because of how density is calculated in already developed areas this will be the unintended effect.

On our block there are nine R1-6 zoned residential lots. The GP 2030 Projected Land Use Map shows them as Mixed Use in the future, and we support that. When we rezone our block to mixed use in the future however, because we are also in the Cultural Resource Area, we will only be allowed 4du/ac, about half the homes that are there now. We don’t want to loose half the homes on our block to falsely “preserve the character” of our neighborhood.

In other areas of our neighborhood, similar home owners may wish to change the zoning of their property to take advantage of differing development standards, or to make their homes less attractive to redevelopment agencies. When they attempt to change residential zoning categories, keeping their existing developed density the same, and decreasing their allowed maximum densities they will likely run into this same problem.



# ORDINANCE 808

## ZONING REQUIREMENTS

### YARD, HEIGHT, AREA AND DENSITY

ZONING DISTRICT SYMBOL	DISTRICT NAME	MAXIMUM			MINIMUM						
		DENSITY d.u./acre	BUILDING HEIGHT in feet	LOT COVERAGE %	NET SITE AREA	LOT WIDTH in feet	LOT DEPTH in feet	SETBACKS in feet			
								FRONT	SIDE	REAR	STREET SIDE
AG	AGRICULTURAL	1	30 <sup>I</sup>	20	1 acre	115	150	40	20	35	25 <sup>A</sup>
R1-15	ONE FAMILY RESIDENTIAL	2.40	30 <sup>I</sup>	40	15,000 sq. ft.	115	120	35	15	30	20 <sup>A</sup>
R1-10	ONE FAMILY RESIDENTIAL	2.80	30 <sup>I</sup>	40	10,000 sq. ft.	90	100 <sup>B</sup>	30	10	25	15 <sup>A</sup>
R1-8	ONE FAMILY RESIDENTIAL	3.35	30 <sup>I</sup>	40	8,000 sq. ft.	80	100 <sup>B</sup>	25	7	20	10 <sup>A</sup>
R1-7	ONE FAMILY RESIDENTIAL	3.75	30 <sup>I</sup>	40	7,000 sq. ft.	70	100 <sup>B</sup>	25	7	15	10 <sup>A</sup>
R1-6	ONE FAMILY RESIDENTIAL	4.00	30 <sup>I</sup>	40	6,000 sq. ft.	60	100 <sup>B</sup>	25	7	15	10 <sup>A</sup>
R1-5	ONE FAMILY RESIDENTIAL	6	30 <sup>I</sup>	NS	5,000 sq. ft.	NS	NS	20	5	15	10 <sup>A</sup>
R1-4	ONE FAMILY RESIDENTIAL	8	30 <sup>I</sup>	NS	4,000 sq. ft.	NS	NS	20	0 <sup>D</sup>	15	10 <sup>A</sup>
R1-PAD	ONE FAMILY RESIDENTIAL (J)	NS	NS <sup>I</sup>	NS	1/2 acre	NS	NS	NS	NS	NS	NS <sup>A</sup>
R-2	MULTI-FAMILY RESIDENTIAL	10	30 <sup>C</sup>	40	7,200 sq. ft.	60	100	25	10	15	25
R-3R	MULTI-FAMILY RESIDENTIAL RESTRICTED	15	15 <sup>C</sup>	40	6,000 sq. ft.	60	100	25	10	15	25
R-3	MULTI-FAMILY RESIDENTIAL LIMITED	20	30 <sup>C</sup>	40	6,000 sq. ft.	60	100	25	10	15	25
R-4	MULTI-FAMILY RESIDENTIAL GENERAL	24	35 <sup>C</sup>	40	6,000 sq. ft.	60	100	25	10	15	25
MHS	MANUFACTURED HOUSING SUBDIVISION	5.50	15	40	5 acres	60	100	25 <sup>F</sup>	7 <sup>F</sup>	15 <sup>F</sup>	10 <sup>F</sup>
RMH	MOBILE HOME RESIDENCE	7	30	50	5 acres	50	70	5 <sup>F</sup>	5 <sup>F</sup>	5 <sup>F</sup>	20 <sup>F</sup>
TP	TRAILER PARK	14	30	50	5 acres	30	55	10 <sup>F</sup>	5 <sup>F</sup>	5 <sup>F</sup>	20 <sup>F</sup>
R/O	RESIDENTIAL OFFICE	10	15 <sup>H</sup>	35	6,000 sq. ft.	60	100	25	10	15	25
CCR	CONVENIENCE COMMERCIAL RESTRICTED	NS	15 <sup>H</sup>	35	6,000 sq. ft.	60	100	20	10	15	20
C-1	NEIGHBORHOOD COMMERCIAL	NS	30 <sup>H</sup>	NS	NS	NS	NS	15	0	0	15
PCC-1	PLANNED COMMERCIAL CENTER	NS	30 <sup>H</sup>	25	2 acres	250	250	50	40	40	50
C-2	GENERAL COMMERCIAL	NS	35 <sup>H</sup>	NS	NS	NS	NS	10	0	0	10
PCC-2	PLANNED GENERAL COMMERCIAL CENTER	NS	35 <sup>H</sup>	25	5 acres	500	500	60	60	60	60
CCD	CENTRAL COMMERCIAL DISTRICT	NS	35 <sup>H</sup>	NS	NS	NS	NS	10	0	0	10
CCD COMMERCIAL	CENTRAL COMMERCIAL/RESIDENTIAL	40	35 <sup>H</sup>	40	6,000 sq. ft.	60	100	25	10	15	25
MG RESIDENTIAL	MULTI-USE GENERAL DISTRICT	G	G <sup>E</sup>	G	1 acre	150 <sup>G</sup>	150 <sup>G</sup>	25 <sup>G</sup>	0 <sup>G</sup>	0 <sup>G</sup>	25 <sup>G</sup>
RCC	REGIONAL COMMERCIAL CENTER	NS	75 <sup>G</sup>	50	50 acre	NS	NS	60 <sup>K</sup>	60 <sup>L</sup>	60 <sup>L</sup>	60 <sup>K</sup>
IBD	INDUSTRIAL BUFFER DISTRICT	NS	30 <sup>H</sup>	40	NS	NS	NS	50	12	12	35
I-1	LIGHT INDUSTRIAL	NS	30 <sup>H</sup>	50	NS	NS	NS	30	12	12	30
I-2	GENERAL INDUSTRIAL	NS	35 <sup>H</sup>	NS	NS	NS	NS	25	0	0	15
I-3	HEAVY INDUSTRIAL	NS	35 <sup>H</sup>	NS	NS	NS	NS	25	0	0	15

NS No applicable standard or limit.

- A. The street side yard of corner lots adjacent to key lots, shall be increased by 10 additional feet.
- B. All reverse frontage lots on arterial street and freeway right-of-ways shall be a minimum of 110' deep.
- C. Where building heights exceed 15' and are located adjacent to a Single Family Residence District, one additional foot of setback to the yard adjacent is required for every foot of building above 15'-0".
- D. 0' for lots with common walls; 10' for lots without common walls.
- E. Where the MG District is adjacent to a Single Family Residential District, the setback shall be one additional foot for every foot of building height or a maximum 50' of setback.
- F. Minimum distance of any portion of the mobile structures and accessory structures from the rental lot lines.

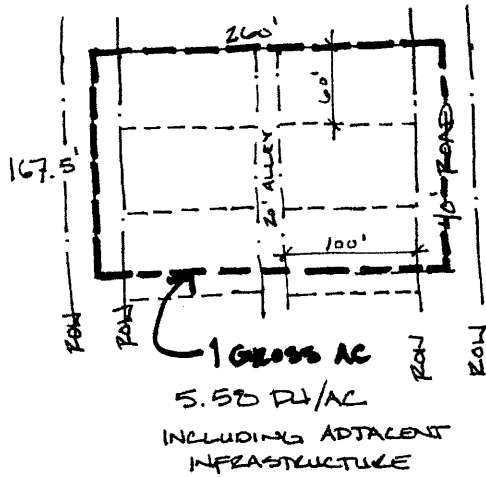
G. Restrictive standards may be required.

- H. Where multi-story building heights exceed 15' and are located adjacent to any residential district, one additional foot of yard setback is required for every foot of building height above 15'-0". Where no setback exists, a minimum of 25' shall be required.
- I. Second story additions to an existing residence shall require a Use Permit to achieve the allowable height.
- J. Requires approval of a Planned Area Development.
- K. 40' building setbacks are allowed for pad sites for front and street side yards in conjunction with a minimum 25' landscape setback.
- L. 20' building setbacks are required for pad site side and rear yards.

May 1996

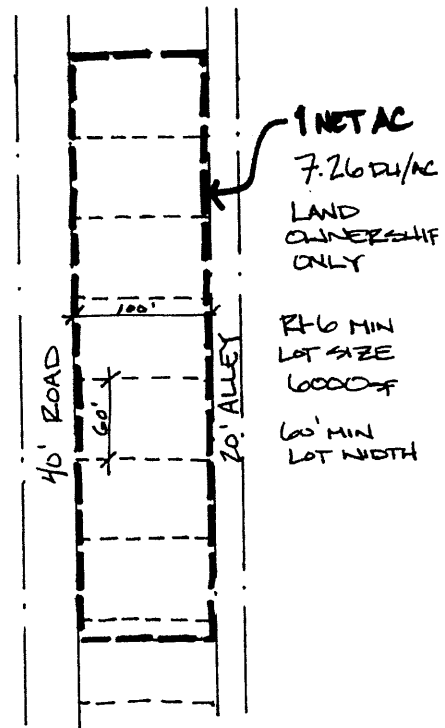
## NEW DEVELOPMENT

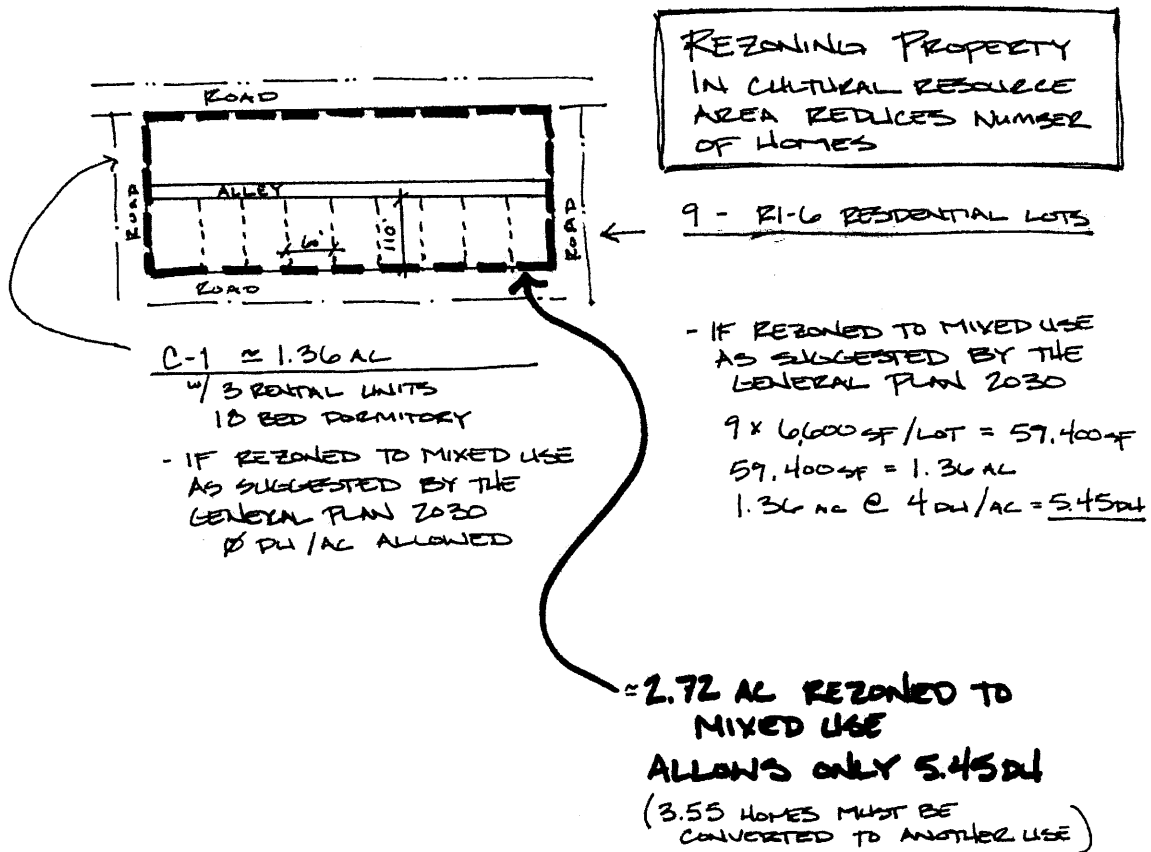
1 AC R1-6 MIN LOT SIZE 6000SF  
GROSS 60' MIN LOT WIDTH



"POST WWII" NEIGHBORHOODS  
 WERE CONSTRUCTED WITH THE  
 MIN. LOT SIZE AND MIN. LOT  
 WIDTH.

## RE-DEVELOPMENT





This anomaly is most dramatic in already developed single-family residential areas as you can see by the table below.

**Density Discrepancy Table**

Zoning District	Density	Min. Lot Size (or area/unit)	Density by Min. Lot Size
Major districts in the Cultural Resource Area in our neighborhood			
R-2	10 du/ac	3,600 sf	12.10 du/ac
R-3R	15 du/ac	2,900 sf	15.02 du/ac
*R-3	20 du/ac	2,200 sf	19.80 du/ac
R1-6	4 du/ac	6,000 sf	7.26 du/ac
Other districts potentially affected			
R-4	24 du/ac	1,800 sf	24.2 du/ac
R1-4	8 du/ac	4,000 sf	10.89 du/ac
R1-5	6 du/ac	5,000 sf	8.71 du/ac
R1-7	3.75 du/ac	7,000 sf	6.22 du/ac
R1-8	3.35 du/ac	8,000 sf	5.45 du/ac
R1-10	2.80	10,000 sf	4.36 du/ac
R1-15	2.40 du/ac	15,000 sf	2.9 du/ac
AG	1 du/ac	43,560 sf	1 du/ac

\*This one zoning district has the reverse issue. 20 du/ac should be a 2,178 sf min. lot size. This should be adjusted in the zoning re-write.

We intend to address this issue further through the zoning rewrite process, but the text of the Cultural Resource Area uses the zoning as it is at the time the Council adopts the GP 2030, as such we must address this issue now in the general plan process.

To resolve this issue, we recommend, at least for the single family zoned areas within the Cultural Resource Area on the GP 2030 Projected Residential Density Map, using the minimum lot size from the existing zoning ordinance to calculate density. This recommendation will not increase the allowed density in these areas; it will only allow the density to be calculated properly for already developed areas. This would bring the existing conditions of the neighborhoods within the Cultural Resource Area in line with how the Planning and Zoning Staff calculate density at the time of re-zoning.

Thank you for your time and patients.

*P.S.*

*Underlined text denotes requested changes.*